

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

May 13, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

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No. 96-0308-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

STANCE WILLIAMSON, JR.,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: VICTOR MANIAN, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Schudson, JJ.

PER CURIAM. Stance Williamson, Jr., appeals from a judgment convicting him of thirteen counts of forgery, party to a crime. See §§ 943.38(2) and 939.05, STATS. Williamson raises the following issues: (1) whether the information provided in the application for the search warrant was sufficiently

reliable under the totality of the circumstances to establish probable cause; and (2) whether the trial court erred in admitting hearsay evidence. We affirm.

Court Commissioner Audrey Y. Brooks signed a search warrant for the Milwaukee County police to search a residence at 3009 North 27th Street in Milwaukee. The search warrant was for evidence of counterfeiting and forgery. As a result of evidence discovered during the search, Williamson was charged with multiple counts of forgery. According to the testimony at the hearing for the application for the search warrant, Milwaukee Police Detective Ronald Harden received information supporting the issuance of the search warrant from three people who were in custody and already charged with forgery. The first person, William Amos, told Harden that he had seen Williamson making counterfeit checks by cutting company logos from the telephone book, attaching the logos to blank paper, copying the paper and then typing in fictitious names. Amos told Detective Harden that Williamson had created fake identification cards for him in order to cash the counterfeit checks. Amos further stated that he had cashed numerous checks and split the proceeds with Williamson. Amos also told Harden that he had seen the copy machine, typewriters, camera, laminating machine, and paper cutter that Williamson used to make the counterfeit checks at 3009 North 27th Street, a residence owned and occupied by Williamson's girlfriend, Pamela Thompson.

Detective Harden also testified that he spoke with Paulette Nash, who was also in custody on charges of forgery. Nash told Detective Harden that Williamson provided her with counterfeit checks and fake identification cards in order to cash the checks. Nash further told Detective Harden that she had seen the equipment Williamson used to make counterfeit checks at Williamson's mother's house. Detective Harden also testified that he also interviewed Stacy Wallace,

who was also in custody on forgery charges. Although when she was arrested she had some of the counterfeit checks and fake identification cards with her, she did not implicate Williamson. She did admit, however, that she was one of Williamson's girlfriends.

The court commissioner found that probable cause existed for the issuance of the search warrant, finding that the information provided by the accomplices was consistent and sufficiently reliable. After entering a plea of not guilty, Williamson filed a motion to suppress the evidence obtained by the search. The trial court denied the motion.

The case proceeded to trial. During trial, defense counsel cross-examined Detective Harden regarding the connection between Williamson and the seized evidence. Detective Harden testified that the house where the police found the evidence belonged to Patricia Thompson, that Williamson's prints were found on three items in the house, and that his name appeared on a two-year-old automotive repair receipt. On redirect, the prosecutor asked Detective Harden about the connection between the people involved in the forgeries and Thompson's house:

Q (Prosecutor): Well, how do you know that there is a connection between some of those people and that house?

A (Det. Harden): The, some of the people who I interviewed regarding some of the checks that have been passed stated - -

(Defense Counsel): Objection. Hearsay.

(Prosecutor): He opened the door. He asked.

(Defense Counsel): I ask that there be a finding that the officer is offering hearsay.

THE COURT: Overruled. He may answer.

The jury found Williamson guilty on all counts.

1. Probable Cause.

In deciding whether probable cause to issue a search warrant existed, we defer to the trial court's determination. See *State v. Falbo*, 190 Wis.2d 328, 334, 526 N.W.2d 814, 816 (Ct. App. 1994). Williamson claims that the testimony supporting the search warrant was insufficiently reliable to meet the totality-of-the-circumstances test of *Illinois v. Gates*, 462 U.S. 213 (1983). In *Gates*, the Supreme Court developed a totality-of-the-circumstances test approach in the determination of probable cause, noting that this permits a balanced assessment of the relative weights of all factors that would establish probable cause for the issuance of a warrant. *Id.*, 462 U.S. at 258.

Characterizing Nash and Amos as “snitches,” Williamson first claims that their incriminating statements are less worthy of belief than that of a “citizen informer” because, as “snitches,” Nash and Amos hoped to get leniency in exchange for information. Williamson's characterization of Amos and Nash misses the point. “[W]hen a participant in a crime admits his own participation and implicates another, an inference may be reasonably drawn that he is telling the truth.” *Ruff v. State*, 65 Wis.2d 713, 720, 223 N.W.2d 446, 449-450 (1974). Amos and Nash had little if anything to gain by providing false information because people “who know[] the police are already in a position to charge [them] with a serious crime will not lightly undertake to divert the police down blind alleys.” *United States v. Davis*, 617 F.2d 677 (D.C. Cir. 1979), *cert. denied*, 445 U.S. 967 (1980) (citation omitted). Although accomplice testimony is often suspect because of the motivation to shift the blame to others, see *Bruton v.*

United States, 391 U.S. 123, 136 (1968), the issue here is probable cause, not guilt. Under this circumstance, “courts have been most willing to find there has been a sufficient showing of veracity.” 1 W. LAFAVE, *Search and Seizure* sec.3.3(c) at 525 (2d ed. 1987). Further, the record does not reveal that Nash and Amos were offered any specific inducement for identifying their accomplices at the time they spoke to the police. Thus, the overall reliability of their statements is enhanced.

Williamson further claims that Amos and Nash did not have a “track record” of providing reliable information to the police and, therefore, their statements should be deemed less reliable than that of another who has a past record of providing reliable information. We disagree. A participant in criminal activity “need not be shown to have been previously reliable before the authorities may rely on his statements.” *United States v. Ceballos*, 812 F.2d 42, 50 (1987) (citation omitted). Williamson also contends that because Amos’s testimony conflicted with that of Nash regarding where the forgery equipment and materials were located, there was no probable cause to believe that it was at either place. He is wrong. *See State v. Tompkins*, 144 Wis.2d 116, 125-126, 423 N.W.2d 823, 827 (1988) (searching one location is appropriate although there may also be probable cause to believe the evidence may be in another location).

The information received by Detective Harden was sufficient to provide probable cause to search the residence and to arrest Williamson.

2. *Hearsay.*

Williamson next claims that the trial court erred in admitting testimony from Detective Harden that “some of the people who I interviewed regarding some of the checks” told him that Williamson was connected to the

forgery materials and equipment found at 3009 North 27th Street. As noted, the trial court overruled Williamson's hearsay objection. The State argues that the statement was not offered to prove the truth of the matter asserted but, rather, it was offered to show the thoroughness of Detective Harden's investigation after defense counsel had opened the door to this line of questioning by asking: "Other than a two year old receipt, there was nothing else that was found by you in the name or that would tie Stance Williamson into any of this material, correct?"

We disagree with the State's contention. The thoroughness of the police officer's investigation was irrelevant. RULE 904.01, STATS., defines relevant evidence as: "[E]vidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Why the officer did certain things was not relevant to Williamson's guilt. Notwithstanding, admission of this hearsay evidence was harmless. *See State v. Dyess*, 124 Wis.2d 525, 543, 370 N.W.2d 222, 231 (1985) (where error did not affect the result, it is harmless and does not require reversal of judgment). The case against Williamson included testimony from Amos regarding Williamson's involvement in the forgeries. Specifically, Amos testified that he actually saw Williamson make the counterfeit checks and fake identification cards and that he cashed the counterfeit checks and gave Williamson half of the proceeds from each check cashed. Further, Williamson's statement to the police at the time he was arrested reveals that he kept the room in the house locked where the forgery equipment and materials were located, and that he had the only key. Given the exclusive access that Williamson admitted to have with respect to the room and Amos's testimony, we are convinced that there is no reasonable possibility that the error in the admission of Detective Harden's statement contributed to the guilty verdict.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

